(25) **TCC**-transportation coordinating committee

Comment: Page 7 of PRD

(26) **TCM**-transportation control measure
(27) **TCTC**-transportation conformity technical committee
(28) **TIP**-transportation improvement program
(29) **VOC**-volatile organic compound
(30) **VMT**-vehicle miles traveled {FR Vol. 77 No. 50 pp. 14979-88 3/14/12 re: 40 CFR 93.101}
[7/1/98; 20.11.3.7 NMAC - Rn, 20 NMAC 11.03.I.7, & A, 6/1/02; A, 6/13/05; A, 12/17/08; A, 11/15/10]

20.11.3.8 VARIANCES: [Reserved]
[7/1/98; 20.11.3.8 NMAC - Rn, 20 NMAC 11.03.I.8, 6/1/02]

20.11.3.9 SAVINGS CLAUSE: Any amendment to 20.11.3 NMAC that is filed with the state records center shall not affect actions pending for violation of a city or county ordinance or board regulation. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the statute, ordinance, part or section in effect at the time the violation was committed.
[7/1/98; 20.11.3.9 NMAC - Rn, 20 NMAC 11.03.I.9, 6/1/02; A, 6/13/05]

20.11.3.10 SEVERABILITY: If any section, paragraph, sentence, clause or word of 20.11.3 NMAC or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of the remaining provisions of 20.11.3 NMAC.
[7/1/98; 20.11.3.10 NMAC - Rn, 20 NMAC 11.03.I.10, 6/1/02; A, 6/13/05]

20.11.3.11 DOCUMENTS: Documents incorporated and cited in 20.11.3 NMAC may be viewed at the Albuquerque environmental health department, one civic plaza NW, ~~[room]~~ suite 3023, 400 Marquette NW, Albuquerque, NM 87102.
[7/1/98; 20.11.3.11 NMAC - Rn, 20 NMAC 11.03.I.11, 6/1/02; A, 6/13/05]

20.11.3.12 [Reserved]
[7/1/98; 20.11.3.12 NMAC - Rn, 20 NMAC 11.03.I.12, & A, 6/1/02; Repealed, 6/13/05]

20.11.3.13 to 20.11.3.102 [Reserved]

20.11.3.103 PRIORITY: When assisting or approving any action with air quality-related consequences, FHWA and FTA shall give priority to the implementation of those transportation portions of an applicable implementation plan prepared to attain and maintain the NAAQS. This priority shall be consistent with statutory requirements for allocation of funds among states or other jurisdictions.
[20.11.3.103 NMAC - Rn, 20.11.3.200 NMAC, 11/15/10]

20.11.3.104 FREQUENCY OF CONFORMITY DETERMINATIONS:

A. Conformity determinations and conformity redetermination for transportation plans, TIPs and FHWA/FTA projects shall be made according to the requirements of 20.11.3.104 NMAC and the applicable implementation plan.

B. Frequency of conformity determinations for transportation plans:

(1) Each new transportation plan shall be demonstrated to conform before the transportation plan is approved by the MPO or accepted by DOT.

(2) All transportation plan amendments shall be found to conform before the transportation plan amendments are approved by the MPO or accepted by DOT, unless the amendment merely adds or deletes exempt projects listed in 20.11.3.126 NMAC or 20.11.3.127 NMAC. The conformity determination shall be based on the transportation plan and the amendment taken as a whole.

(3) The MPO and DOT shall determine the conformity of the transportation plan (including a new regional emissions analysis) no less frequently than every four years. If more than four years elapse after DOT's conformity determination without the MPO and DOT determining conformity of the transportation plan, a 12-month grace period will be implemented as described in Subsection F of 20.11.3.104 NMAC. At the end of this 12-month grace period, the existing conformity determination shall lapse.

C. Frequency of conformity determinations for transportation improvement programs:

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in a nonattainment area that has approved or adequate motor vehicle emissions budgets in an applicable implementation plan or implementation plan submission for another NAAQS of the same pollutant, the following tests must be satisfied:

(a) If the nonattainment area covers the same geographic area as another NAAQS of the same pollutant, the budget test as required by 20.11.3.118 NMAC using the approved or adequate motor vehicle emissions budgets for that other NAAQS;

(b) If the nonattainment area covers a smaller geographic area within an area for another NAAQS of the same pollutant, the budget test as required by 20.11.3.118 NMAC for either:

(i) The nonattainment area, using corresponding portion(s) of the approved or adequate motor vehicle emissions budgets for that other NAAQS, where such portion(s) can reasonably be identified through the interagency consultation process required by 20.11.3.105 NMAC; or

(ii) The area designated nonattainment for that other NAAQS, using the approved or adequate motor vehicle emissions budgets for that other NAAQS. If additional emissions reductions are necessary to meet the budget test for the nonattainment area for a NAAQS in such cases, these emissions reductions must come from within such nonattainment area;

(c) If the nonattainment area covers a larger geographic area and encompasses an entire area for another NAAQS of the same pollutant, then either Item (i) or (ii) of Subparagraph (c) of Paragraph (2) of Subsection C of 20.11.3.109 NMAC must be met:

(i) [~~1.~~] The budget test as required by 20.11.3.118 NMAC for the portion of the nonattainment area covered by the approved or adequate motor vehicle emissions budgets for that other NAAQS; and 2. the interim emissions tests as required by 20.11.3.119 NMAC for one of the following areas: the portion of the nonattainment area not covered by the approved or adequate budgets for that other NAAQS; the entire nonattainment area; or the entire portion of the nonattainment area within an individual state, in the case where separate adequate or approved motor vehicle emissions budgets for that other NAAQS are established for each state of a multistate nonattainment or maintenance area.

(ii) The budget test as required by 20.11.3.118 NMAC for the entire nonattainment area using the approved or adequate motor vehicle emissions budgets for that other NAAQS.

(d) If the nonattainment area partially covers an area for another NAAQS of the same pollutant:

(i) The budget test as required by 20.11.3.118 NMAC for the portion of the nonattainment area covered by the corresponding portion of the approved or adequate motor vehicle emissions budgets for that other NAAQS, where they can be reasonably identified through the interagency consultation process required by 20.11.3.105 NMAC; and

(ii) The interim emissions tests as required by 20.11.3.119 NMAC, when applicable, for either: the portion of the nonattainment area not covered by the approved or adequate budgets for that other NAAQS; the entire nonattainment area; or the entire portion of the nonattainment area within an individual state, in the case where separate adequate or approved motor vehicle emissions budgets for that other NAAQS are established for each state of a multistate nonattainment or maintenance area.

(3) In a nonattainment area, the interim emissions tests required by 20.11.3.119 NMAC must be satisfied for a NAAQS if neither Paragraph (1) nor paragraph (2) of Subsection C of 20.11.3.109 NMAC applies for such NAAQS.

[~~(3)~~](4) An ozone nonattainment area shall satisfy the interim emissions test for NO_x, as required by 20.11.3.119 NMAC, if the implementation plan or plan submission that is applicable for the purposes of conformity determinations is a 15% plan or [~~phase I attainment demonstration~~] other control strategy SIP that does not include a motor vehicle emissions budget for NO_x. The implementation plan for [~~the 1-hour ozone~~] an NAAQS shall be considered to establish a motor vehicle emissions budget for NO_x if the implementation plan or plan submission contains an explicit NO_x motor vehicle emissions budget that is intended to act as a ceiling on future NO_x emissions, and the NO_x motor vehicle emissions budget is a net reduction from NO_x emissions levels in [~~1990~~] the SIP's baseline year.

[~~(4) Ozone nonattainment areas that have not submitted a maintenance plan and that are not required to submit a control strategy implementation plan revision for the 1-hour ozone NAAQS (usually marginal and below areas) shall satisfy one of the following requirements:~~

~~(a) the interim emissions tests required by 20.11.3.119 NMAC; or~~

~~(b) the state shall submit to EPA an implementation plan revision for the 1-hour ozone NAAQS that contains motor vehicle emissions budget(s) and a reasonable further progress or attainment demonstration, and the budget test required by 20.11.3.118 NMAC shall be satisfied using the adequate or approved motor vehicle emissions budget(s) (as described in Paragraph (1) of Subsection C of 20.11.3.109 NMAC).~~]

Comment: Page 19 of PRD. re: 20.11.3.109.C.(2).(c).(i) NMAC

(5) Notwithstanding [~~Paragraph (1) and Paragraph (2)~~] Paragraphs (1), (2) and (3) of Subsection C of 20.11.3.109 NMAC, [~~moderate and above ozone~~] nonattainment areas with [~~three years of~~] clean data for [~~the 1-hour ozone~~] NAAQS that have not submitted a maintenance plan and that EPA has determined are not subject to the Clean Air Act reasonable further progress and attainment demonstration requirements for [~~the 1-hour ozone~~] that NAAQS shall satisfy one of the following requirements:

(a) the budget test or the interim emissions tests as required by 20.11.3.118 NMAC and 20.11.3.119 NMAC as described in Paragraph (2) and (3) [~~or~~] of Subsection C of 20.11.3.109 NMAC;

(b) the budget test as required by 20.11.3.118 NMAC, using the adequate or approved motor vehicle emissions budgets in the submitted or applicable control strategy implementation plan for the [~~1-hour ozone~~] NAAQS for which the area is designated nonattainment (subject to the timing requirements of Paragraph (1) of Subsection C of 20.11.3.109 NMAC; or

(c) the budget test as required by 20.11.3.118 NMAC, using the motor vehicle emissions [~~of ozone precursors~~] in the most recent year of [~~clean data as motor vehicle emissions budgets, if such budgets are established by the EPA rulemaking that determines that the area has clean data for the 1-hour ozone NAAQS~~] attainment as motor vehicle emissions budgets, if the state or local air quality agency requests that the motor vehicle emissions in the most recent year of attainment be used as budgets, and EPA approves the request in conjunction with the rulemaking that determines that the area has attained the NAAQS for which the area is designated nonattainment.

(6) For the PM_{10} NAAQS only, the interim emissions tests must be satisfied as required by 20.11.3.119 NMAC for conformity determinations made if the submitted implementation plan revision for a PM_{10} nonattainment area is a demonstration of impracticability under CAA Section 189(a)(1)(B)(ii) and does not demonstrate attainment. { FR Vol. 77, No. 50, pp. 14979-88, 3/14/12, re: 40 CFR 93.109(c)}

D. [~~8-hour ozone NAAQS nonattainment and maintenance areas without motor vehicle emissions budgets for the 1-hour ozone NAAQS for any portion of the 8-hour nonattainment area~~] Hot-spot conformity test requirements for CO, $PM_{2.5}$ and PM_{10} nonattainment and maintenance areas: [~~Subsection D of 20.11.3.109 NMAC applies to areas that were never designated nonattainment for the 1-hour ozone NAAQS and areas that were designated nonattainment for the 1-hour ozone NAAQS but that never submitted a control strategy SIP or maintenance plan with approved or adequate motor vehicle emissions budgets. Subsection D of 20.11.3.109 NMAC applies one year after the effective date of EPA's nonattainment designation for the 8-hour ozone NAAQS for an area, according to Subsection D of 20.11.3.2 NMAC.~~] This provision applies in accordance with Subsection D of 20.11.3.2 NMAC for a NAAQS and until the effective date of any revocation of such NAAQS for an area. In addition to the criteria listed in Table 1 in Subsection B of 20.11.3.109 NMAC that are required to be satisfied at all times, [~~in such 8-hour ozone~~] project-level conformity determinations in CO, PM_{10} and $PM_{2.5}$ nonattainment and maintenance areas [~~conformity determinations~~] shall include a demonstration that the [~~budget or interim emissions tests~~] hot-spot tests for the applicable NAAQS are satisfied as described in the following:

~~[(1) In such 8-hour ozone nonattainment and maintenance areas the budget test shall be satisfied as required by 20.11.3.118 NMAC for conformity determinations made on or after:~~

~~(a) the effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan for the 8-hour ozone NAAQS is adequate for transportation conformity purposes;~~

~~(b) the publication date of EPA's approval of such a budget in the federal register; or~~

~~(c) the effective date of EPA's approval of such a budget in the federal register, if such approval is completed through direct final rulemaking.~~

~~(2) In ozone nonattainment areas that are required to submit a control strategy implementation plan revision for the 8-hour ozone NAAQS (usually moderate and above and certain Clean Air Act, Part D, Subpart 1 areas), the interim emissions tests shall be satisfied as required by 20.11.3.119 NMAC for conformity determinations made when there is no approved motor vehicle emissions budget from an applicable implementation plan for the 8-hour ozone NAAQS and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan for the 8-hour ozone NAAQS.~~

~~(3) Such an 8-hour ozone nonattainment area shall satisfy the interim emissions test for NO_x, as required by 20.11.3.119 NMAC, if the implementation plan or plan submission that is applicable for the purposes of conformity determinations is a 15% plan or other control strategy SIP that addresses reasonable further progress that does not include a motor vehicle emissions budget for NO_x. The implementation plan for the 8-hour ozone NAAQS will be considered to establish a motor vehicle emissions budget for NO_x if the implementation plan or plan submission contains an explicit NO_x motor vehicle emissions budget that is intended to act as a ceiling on future NO_x emissions, and the NO_x motor vehicle emissions budget is a net reduction from NO_x emissions levels in 2002.~~

Comment: Page 20 of PRD. re: 20.11.3.109.C.(5).(a) NMAC & 105.D

~~(c) the effective date of EPA's approval of such a budget in the federal register, if such approval is completed through direct final rulemaking;~~

Comment: Page 23 of PRD. re: 20.11.3.109.G.(2) NMAC

~~(3) except as provided in Paragraph (4) of Subsection F of 20.11.3.109 NMAC, in CO nonattainment areas the interim emissions tests shall be satisfied as required by 20.11.3.119 NMAC for conformity determinations made when there is no approved motor vehicle emissions budget from an applicable implementation plan and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan;~~

~~(4) CO nonattainment areas that have not submitted a maintenance plan and that are not required to submit an attainment demonstration (e.g. moderate CO areas with a design value of 12.7 ppm or less or not classified CO areas) shall satisfy one of the following requirements:~~

~~(a) the interim emissions tests required by 20.11.3.119 NMAC; or~~

~~(b) the state shall submit to EPA an implementation plan revision that contains motor vehicle emissions budget(s) and an attainment demonstration, and the budget test required by 20.11.3.118 NMAC shall be satisfied using the adequate or approved motor vehicle emissions budget(s) (as described in Paragraph (2) of Subsection F of 20.11.3.109 NMAC).~~

~~**G. PM_{10} nonattainment and maintenance areas:** In addition to the criteria listed in Table 1 in Subsection B of 20.11.3.109 NMAC that are required to be satisfied at all times, in PM_{10} nonattainment and maintenance areas conformity determinations shall include a demonstration that the hot-spot, budget or interim emissions tests are satisfied as described in the following:~~]

[~~(1)~~](2) FHWA/FTA projects in PM_{10} non-attainment or maintenance areas shall satisfy the appropriate hot-spot test required by Subsection A of 20.11.3.116 NMAC**; and**

[~~(2) In PM_{10} nonattainment and maintenance areas where a budget is submitted for the 24-hour PM_{10} NAAQS, the budget test shall be satisfied as required by 20.11.3.118 NMAC for conformity determinations made on or after:~~

~~(a) the effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan is adequate for transportation conformity purposes;~~

~~(b) the publication date of EPA's approval of such a budget in the federal register; or~~

~~(c) the effective date of EPA's approval of such a budget in the federal register, if such approval is completed through direct final rulemaking.~~

~~(3) Prior to Paragraph (2) of Subsection G of 20.11.3.109 NMAC applying, the budget test must be satisfied as required by 20.11.3.118 NMAC using the approved or adequate motor vehicle emissions budget established for the revoked annual PM_{10} NAAQS, if such a budget exists.~~

~~(4) In PM_{10} nonattainment areas the interim emissions tests shall be satisfied as required by 20.11.3.119 NMAC for conformity determinations made:~~

~~(a) if there is no approved motor vehicle emissions budget from an applicable implementation plan and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan; or~~

~~(b) if the submitted implementation plan revision is a demonstration of impracticability under CAA Section 189(a)(1)(B)(ii) and does not demonstrate attainment.~~

~~**H. NO_2 nonattainment and maintenance areas:** In addition to the criteria listed in Table 1 in Subsection B of 20.11.3.109 NMAC that are required to be satisfied at all times, in NO_2 nonattainment and maintenance areas conformity determinations shall include a demonstration that the budget or interim emissions tests are satisfied as described in the following:~~

~~(1) In NO_2 nonattainment and maintenance areas the budget test shall be satisfied as required by 20.11.3.118 NMAC for conformity determinations made on or after:~~

~~(a) the effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan is adequate for transportation conformity purposes;~~

~~(b) the publication date of EPA's approval of such a budget in the federal register; or~~

~~(c) the effective date of EPA's approval of such a budget in the federal register, if such approval is completed through direct final rulemaking.~~

~~(2) In NO_2 nonattainment areas the interim emissions tests shall be satisfied as required by 20.11.3.119 NMAC for conformity determinations made when there is no approved motor vehicle emissions budget from an applicable implementation plan and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan.~~

20.11.3.119 CRITERIA AND PROCEDURES: INTERIM EMISSIONS IN AREAS WITHOUT MOTOR VEHICLE EMISSIONS BUDGETS:

Comment: Page 33 of PRD

A. The transportation plan, TIP and project not from a conforming transportation plan and TIP shall satisfy the interim emissions test(s) as described in Subsections C through [~~N~~]G of 20.11.3.109 NMAC. This criterion applies to the net effect of the action (transportation plan, TIP or project not from a conforming transportation plan and TIP) on motor vehicle emissions from the entire transportation system. {FR Vol. 77, No. 50, pp. 14979-88, 3/14/12 re: 40 CFR 93.119(a)

B. Ozone areas: The requirements of Subsection B of 20.11.3.119 NMAC apply to all [~~1-hour ozone and 8-hour~~ ozone] NAAQS areas, except for certain requirements as indicated. This criterion may be met: {FR Vol. 77, No. 50, pp. 14979-88, 3/14/12 re: 93.119(b)}

(1) in moderate and above ozone nonattainment areas that are subject to the reasonable further progress requirements of CAA Section 182(b)(1) if a regional emissions analysis that satisfies the requirements of 20.11.3.122 NMAC and Subsections G through J of 20.11.3.119 NMAC demonstrates that for each analysis year and for each of the pollutants described in Subsection F of 20.11.3.119 NMAC:

(a) the emissions predicted in the "action" scenario are less than the emissions predicted in the "baseline" scenario, and this can be reasonably expected to be true in the periods between the analysis years; and

(b) the emissions predicted in the "action" scenario are lower than emissions in the baseline year for that NAAQS as described in Subsection E of 20.11.3.119 NMAC by any nonzero amount{FR Vol. 77, No. 50, pp. 14979-88, 3/14/12 re: 93.119(b)(1)(ii)} [~~:~~

~~(i) 1990 emissions by any nonzero amount, in areas for the 1-hour ozone NAAQS as described in Subsection C of 20.11.3.109 NMAC; or~~

~~(ii) 2002 emissions by any nonzero amount, in areas for the 8-hour ozone NAAQS as described in Subsection D and Subsection E of 20.11.3.109 NMAC~~]; {40 CFR 93.119(a)(1)(ii)}

(2) in marginal and below ozone nonattainment areas and other ozone nonattainment areas that are not subject to the reasonable further progress requirements of CAA Section 182(b)(1) if a regional emissions analysis that satisfies the requirements of 20.11.3.122 NMAC and Subsections G through J of 20.11.3.119 NMAC demonstrates that for each analysis year and for each of the pollutants described in Subsection F of 20.11.3.119 NMAC:

(a) the emissions predicted in the "action" scenario are not greater than the emissions predicted in the "baseline" scenario, and this can be reasonably expected to be true in the periods between the analysis years; or

(b) the emissions predicted in the "action" scenario are not greater than emissions in the baseline year for that NAAQS as described in Subsection E of 20.11.3.119 NMAC ~~by any nonzero amount~~ {FR Vol. 77, No. 50, pp. 14979-88, 3/14/12 re: 93.119(b)(2)(ii)} [~~:~~

~~(i) 1990 emissions, in areas for the 1-hour ozone NAAQS as described in Subsection C of 20.11.3.109 NMAC; or~~

~~(ii) 2002 emissions, in areas for the 8-hour ozone NAAQS as described in Subsection D and Subsection E of 20.11.3.109 NMAC~~]. {~~FR Vol. 77, No. 50, pp. 14979-88, 3/14/12 re:~~ 40 CFR 93.119(b)}

C. CO areas: This criterion may be met:

(1) in moderate areas with design value greater than 12.7 ppm and serious CO nonattainment areas that are subject to CAA Section 187(a)(7) if a regional emissions analysis that satisfies the requirements of 20.11.3.122 NMAC and Subsections G through J of 20.11.3.119 NMAC demonstrates that for each analysis year and for each of the pollutants described in Subsection F of 20.11.3.119 NMAC:

(a) the emissions predicted in the "action" scenario are less than the emissions predicted in the "baseline" scenario, and this can be reasonably expected to be true in the periods between the analysis years; and

(b) the emissions predicted in the "action" scenario are lower than [~~1990~~] emissions in the baseline year for that NAAQS as described in Subsection E of 20.11.3.119 NMAC by any nonzero amount;

(2) in moderate areas with design value less than 12.7 ppm and not classified CO nonattainment areas if a regional emissions analysis that satisfies the requirements of 20.11.3.122 NMAC and Subsections G through J of 20.11.3.119 NMAC demonstrates that for each analysis year and for each of the pollutants described in Subsection F of 20.11.3.119 NMAC:

(a) the emissions predicted in the "action" scenario are not greater than the emissions predicted in the "baseline" scenario, and this can be reasonably expected to be true in the periods between the analysis years; or

1 (b) the emissions predicted in the "action" scenario are not greater than [~~1990~~] emissions in the
2 baseline year for that NAAQS as described in Subsection E of 20.11.3.119 NMAC. {FR Vol. 77, No. 50, pp. 14979-
3 88, 3/14/12 re: 40 CFR 93.119(c)}
4 **D. $PM_{2.5}$, PM_{10} and NO_2 areas**: This criterion may be met in $PM_{2.5}$, PM_{10} and NO_2 nonattainment
5 areas if a regional emissions analysis that satisfies the requirements of 20.11.3.122 NMAC and Subsections G

through J of 20.11.3.119 NMAC demonstrates that for each analysis year and for each of the pollutants described in Subsection F of 20.11.3.119 NMAC, one of the following requirements is met:

(1) the emissions predicted in the "action" scenario are not greater than the emissions predicted in the "baseline" scenario, and this can be reasonably expected to be true in the periods between the analysis years; or

(2) the emissions predicted in the "action" scenario are not greater than [~~baseline~~] emissions in the baseline year for that NAAQS as described in Subsection E of 20.11.3.119 NMAC ~~by any nonzero amount~~; baseline emissions are those estimated to have occurred during calendar year 1990, unless the conformity implementation plan revision required by 40 CFR 51.390 defines the baseline emissions for a PM_{10} area to be those occurring in a different calendar year for which a baseline emissions inventory was developed for the purpose of developing a control strategy implementation plan. { FR Vol. 77, No. 50, pp. 14979-88, 3/14/12 re: 40 CFR 93.119(d)}

E. [~~$PM_{2.5}$ areas~~] **Baseline year for various NAAQS:** [~~This criterion may be met in $PM_{2.5}$ nonattainment areas if a regional emissions analysis that satisfies the requirements of 20.11.3.122 NMAC and Subsections G through J of 20.11.3.119 NMAC demonstrates that for each analysis year and for each of the pollutants described in Subsection F of 20.11.3.119 NMAC, one of the following requirements is met~~] The baseline year is defined as follows:

(1) [~~the emissions predicted in the "action" scenario are not greater than the emissions predicted in the "baseline" scenario, and this can be reasonably expected to be true in the periods between the analysis years; or~~] 1990, in areas designated nonattainment for the 1990 CO NAAQS or the 1990 NO_2 NAAQS.

(2) [~~the emissions predicted in the "action" scenario are not greater than:~~] 1990, in areas designated nonattainment for the 1990 PM_{10} NAAQS, unless the conformity implementation plan revision required by 40 CFR 51.390 defines the baseline emissions for a PM_{10} area to be those occurring in a different calendar year for which a baseline emissions inventory was developed for the purpose of developing a control strategy implementation plan.

(3) [~~(a)~~] 2002 [~~emissions~~], in areas designated nonattainment for the 1997 ozone NAAQS or 1997 $PM_{2.5}$ NAAQS.[~~; or~~]

(4) [~~(b) emissions in~~] the most recent year for which EPA's Air Emissions Reporting [~~Requirements~~] Rule (40 CFR Part 51, Subpart A) requires submission of on-road mobile source emissions inventories, as of the effective date of [~~nonattainment~~] designations [~~for any $PM_{2.5}$ NAAQS other than the 1997 $PM_{2.5}$ NAAQS~~] in areas designated nonattainment for a NAAQS that is promulgated after 1997. {FR Vol. 77, No. 50, pp. 14979-88, 3/14/12 re: 40 CFR 93.119(e)}

F. Pollutants: The regional emissions analysis shall be performed for the following pollutants:

(1) VOC in ozone areas;

(2) NO_x in ozone areas, unless the EPA administrator determines that additional reductions of NO_x would not contribute to attainment;

(3) CO in CO areas;

(4) PM_{10} in PM_{10} areas;

(5) VOC and NO_x in PM_{10} areas if the EPA regional administrator or the director of the air agency has made a finding that one or both of such precursor emissions from within the area are a significant contributor to the PM_{10} nonattainment problem and has so notified the MPO and DOT;

(6) NO_x in NO_2 areas;

(7) $PM_{2.5}$ in $PM_{2.5}$ areas;

(8) re-entrained road dust in $PM_{2.5}$ areas only if the EPA regional administrator or the director of the air agency has made a finding that emissions from re-entrained road dust within the area are a significant contributor to the $PM_{2.5}$ nonattainment problem and has so notified the MPO and DOT;

(9) NO_x in $PM_{2.5}$ areas, unless the EPA regional administrator and the director of the state air agency have made a finding that emissions of NO_x from within the area are not a significant contributor to the $PM_{2.5}$ nonattainment problem and has so notified the MPO and DOT; and

(10) VOC, SO_2 and ammonia in $PM_{2.5}$ areas if the EPA regional administrator or the director of the state air agency has made a finding that any of such precursor emissions from within the area are a significant contributor to the $PM_{2.5}$ nonattainment problem and has so notified the MPO and DOT.

G. Analysis Years:

(1) The regional emissions analysis shall be performed for analysis years that are no more than 10 years apart. The first analysis year shall be no more than five years beyond the year in which the conformity determination is being made. The last year of the time frame of the conformity determination (as described under Subsection D of 20.11.3.106 NMAC) shall also be an analysis year.

(2) For areas using Subparagraph (a) of Paragraph (2) of Subsection B, Subparagraph (a) of Paragraph (2) of Subsection C, and Paragraph (1) of Subsection D [~~and Paragraph (1) of Subsection E~~] of

Comment: Page 34 of PRD re: 20.11.3.119.D.(2) NMAC